

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

***** 767.24.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF
THE 2012 REGULAR SESSION SINE DIE *****

767.24.amended Indictments; subsection (3) to be known as Brandon D'Annunzio's law; findings and filing; limitations; extension or tolling.

Sec. 24. (1) An indictment for murder, conspiracy to commit murder, solicitation to commit murder, criminal sexual conduct in the first degree, or a violation of the Michigan anti-terrorism act, chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z, or a violation of chapter XXXIII of the Michigan penal code, 1931 PA 328, MCL 750.200 to 750.212a, that is punishable by life imprisonment may be found and filed at any time.

(2) An indictment for a violation or attempted violation of section 145c, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.145c, 750.520c, 750.520d, 750.520e, and 750.520g, may be found and filed as follows:

(a) Except as otherwise provided in subdivision (b), an indictment may be found and filed within 10 years after the offense is committed or by the alleged victim's twenty-first birthday, whichever is later.

(b) If evidence of the offense is obtained and that evidence contains DNA that is determined to be from an unidentified individual, an indictment against that individual for the offense may be found and filed at any time after the offense is committed. However, after the individual is identified, the indictment may be found and filed within 10 years after the individual is identified or by the alleged victim's twenty-first birthday, whichever is later.

(c) As used in this subsection:

(i) "DNA" means human deoxyribonucleic acid.

(ii) "Identified" means the individual's legal name is known and he or she has been determined to be the source of the DNA.

(3) An indictment for kidnapping, extortion, assault with intent to commit murder, attempted murder, manslaughter, or first-degree home invasion may be found and filed as follows:

(a) Except as otherwise provided in subdivision (b), an indictment may be found and filed within 10 years after the offense is committed.

(b) If the offense is reported to a police agency within 1 year after the offense is committed and the individual who committed the offense is unknown, an indictment for that offense may be found and filed within 10 years after the individual is identified. This subsection shall be known and may be cited as Brandon D'Annunzio's law. As used in this subsection, "identified" means the individual's legal name is known.

(4) An indictment for identity theft or attempted identity theft may be found and filed as follows:

(a) Except as otherwise provided in subdivision (b), an indictment may be found and filed within 6 years after the offense is committed.

(b) If evidence of the offense is obtained and the individual who committed the offense has not been identified, an indictment may be found and filed at any time after the offense is committed, but not more than 6 years after the individual is identified.

(c) As used in this subsection:

(i) "Identified" means the individual's legal name is known.

(ii) "Identity theft" means 1 or more of the following:

(A) Conduct prohibited in section 5 or 7 of the identity theft protection act, 2004 PA 452, MCL 445.65 and 445.67.

(B) Conduct prohibited under former section 285 of the Michigan penal code, 1931 PA 328.

(5) An indictment for false pretenses involving real property, forgery or uttering and publishing of an instrument affecting an interest in real property, or mortgage fraud may be found and filed within 10 years after the offense was committed or within 10 years after the instrument affecting real property was recorded, whichever occurs later.

(6) All other indictments may be found and filed within 6 years after the offense is committed.

(7) Any period during which the party charged did not usually and publicly reside within this state is not part of the time within which the respective indictments may be found and filed.

(8) The extension or tolling, as applicable, of the limitations period provided in this section applies to any of those violations for which the limitations period has not expired at the time the extension or tolling takes effect.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17238;—Am. 1935, Act 144, Eff. Sept. 21, 1935;—CL 1948, 767.24;—Am. Rendered Thursday, December 20, 2012

1954, Act 100, Imd. Eff. Apr. 14, 1954;—Am. 1987, Act 255, Eff. Mar. 30, 1988;—Am. 2001, Act 6, Imd. Eff. May 2, 2001;—Am. 2002, Act 119, Eff. Apr. 22, 2002;—Am. 2004, Act 458, Eff. Mar. 1, 2005;—Am. 2005, Act 35, Imd. Eff. June 7, 2005;—Am. 2011, Act 203, Imd. Eff. Oct. 20, 2011;—Am. 2012, Act 363, Eff. (sine die).

Compiler's note: Enacting section 1 of Act 6 of 2001 provides:

“Enacting section 1. The legislature intends that the extension or tolling, as applicable, of the limitations period provided in this amendatory act shall apply to any of those violations for which the limitations period has not expired at the time this amendatory act takes effect.”

Former law: See section 18 of Ch. 164 of R.S. 1846, being CL 1857, § 6027; CL 1871, § 7896; How., § 9507; CL 1897, § 11892; and CL 1915, § 15719.